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TAGS: PREL SY LE FR

SUBJECT: (C) MFA RESPONSE TO DEMARCHE TO EU-3 ON
SYRIA/LEBANON: FRENCH REMAIN NEURALGIC ABOUT SANCTIONS

REF: A. STATE 29048

- 1B. PARIS 1293
- 1C. PARIS 1188
- 1D. DAMASCUS 702

Classified By: Political Minister-Counselor Josiah Rosenblatt, reasons
1.4 (b) and (d).

11. (C) Summary: In a preliminary reaction to the U.S. white paper on Syria/Lebanon (ref A), MFA A/S-equivalent for NEA Thibault sought to emphasize the positive, while offering a variety of legalistic arguments on why EU sanctions on Syria were inadvisable or unachievable at this juncture. Thibault described the U.S. and France as in agreement on the need for a peaceful, constitutional process to replace Lebanese President Lahoud, while expressing concern about efforts to eject Lahoud via mass demonstrations or by a March 14 deadline. On Syrian facilitation of arms trafficking to Lebanon, Thibault reiterated the GoF's full support for UNSCR 1559, but suggested more concrete information was needed and that the issue should be a major focus for UNSYG envoy Larsen. On proposed joint actions to be employed against the SARG, Thibault suggested that the GoF would not support any sanctions, UNSC or EU, in the absence of a finding of Syrian non-cooperation by UNIIC and the UNSCR 1636 sanctions committee. MFA officials concluded that the GoF's first preference remains to pursue Syria sanctions within the UNSC, with EU sanctions remaining a secondary option which could be more difficult to achieve than UN sanctions. Thibault stressed GoF aversion to bilateral sanctions in general, and described the scope for such sanctions as limited to travel bans. On a more positive note, Thibault affirmed that the GoF could do more to speak out on Syria human rights; the GoF has invited former prisoner/MP Riad Seif to France for medical treatment, though so far, he declined the offer. Thibault also blamed the UK for delays in issuing a visa to Khaddam, and defended GOF entreaties to Khaddam to stop commenting to the press from France. End summary.

12. (C) MFA A/S-equivalent for North Africa/Middle East Jean-Francois Thibault offered a preliminary reaction to the U.S. white paper on Syria/Lebanon (ref A) during a February 28 meeting with Pol M/C. (Note: We provided Thibault a courtesy copy of the paper February 23, after delivering the paper and U/S Burns cover letter to MFA Political Director de Laboulaye.) Thibault was joined by MFA DAS-equivalent for IO/UN Political Affairs Jean-Hugues Simon-Michel and MFA DAS-equivalent for Egypt/Levant Herve Besancenot. Thibault's comments on the issue of EIB loans to Syria is reported ref B.

AGREEMENT ON SEEKING LAHOUD RESIGNATION BY PEACEFUL MEANS

¶ 13. (C) Reviewing our paper in chronological order, Thibault stressed U.S.-French agreement on the need to replace President Lahoud by peaceful, constitutional means, adding that Saudi Arabia and Egypt were on the same line. Thibault concluded that near-term prospects for a Lahoud resignation appeared slim for several reasons: Michel Aoun's continued refusal to support a Lahoud departure unless he becomes the next president (an unacceptable outcome in the GoF view); Patriarch Sfeir's continued reluctance to more openly advocate a Lahoud resignation; and Lahoud's continued alliances with Nabih Berri, Hizballah and others. Thibault viewed Sa'ad Hariri's decision to establish a March 14 deadline for a Lahoud departure as unrealistic, and emphasized that the March 14 movement should not seek such an outcome by destabilizing Lebanon internally. Although Thibault assessed that it would be difficult for the Hariri bloc to obtain the two-thirds majority necessary to amend the constitution, he concluded that the U.S. and France should continue to support such an outcome behind the scenes, including by delivering messages to Aoun on the need to be more constructive. France, for its part, had made similar approaches to Aoun and had privately urged Maronite Patriarch Sfeir to be more forward-leaning on the issue.

SYRIAN ARMS TRAFFICKING: YES, BUT NEED MORE INFORMATION

¶ 14. (C) On Syrian facilitation of arms trafficking, Thibault reaffirmed the GoF's full support for UNSCR 1559 implementation, including disarmament of militias. He reiterated GoF concerns over Syrian trafficking of arms to Hizballah and Palestinian camps, and commented that the UNSC should have better exploited the last Larsen report's

conclusions on this issue. Thibault stressed the need for Larsen to explore the issue in greater detail, especially during his upcoming regional tour, which the GoF felt was long overdue and should include Damascus. Thibault added that Larsen's assertions so far on arms trafficking were fairly general and needed greater precision; the international community needed a clearer picture of Syrian arms trafficking efforts, and the complicity of certain elements of the Lebanese Armed Forces (LAF) which remained close to Syria.

JOINT ACTION: KHADDAM, HUMAN RIGHTS

¶ 15. (C) On possible joint actions to be employed against the SARG immediately (ref A), Thibault agreed with the U.S. view that efforts should focus on the regime, while sparing the Syrian people to the greatest degree possible. That said, Thibault defended the GoF decision to ask former VP Khaddam to cease public statements from France, and gave no indication France would support giving Khaddam or other former regime figures a platform for speaking in France. Thibault asserted that France had a "tradition" of welcoming political exiles in France, in exchange for their respecting a certain "reserve" in avoiding public comments which embarrass the GoF. According to Thibault, Khaddam was being treated no differently than other former political exiles, including Michel Aoun. On Khaddam's possible travel to the UK, Thibault suggested that London was still reflecting on whether to issue the visa, and said the GoF had confirmed to the UK that Khaddam would be able to re-enter France. (Note: The local UK emboff responsible for Syria/Lebanon issues told us March 1 he was unaware of any GoF message to the HMG that Khaddam would be allowed to re-enter France, and commented that such a development could help weigh in favor of issuing Khaddam's UK visa. The same contact told us that when the Khaddam UK visa request first surfaced a few weeks ago, initial messages he received from senior French MFA officials suggested that France might not allow Khaddam to re-enter France. End note.)

¶ 16. (C) On the U.S. appeal for France to be more vocal in

criticizing human rights abuses in Syria (ref A), Thibault conceded that this was one area where France could do and say more, in an effort to increase pressure on the SARG. MFA DAS-equivalent for Egypt/Levant Besancenot commented that the MFA often prepared press guidance critical of Syrian human rights abuses, but found that the local press rarely posed questions on human rights in Syria, so the points were never deployed. In response to poloff asking why, then, the MFA didn't issue statements on Syria human rights abuses, as opposed to relying on "if asked guidance," Besancenot took the point, and said that the MFA was considering modifying its approach. He added that, after Riad Seif's recent detention and release by the SARG (ref D), the French embassy in Damascus had conveyed an invitation to Seif to come to France for medical treatment. According to Besancenot, Seif declined the offer, citing the need to remain in country and defend his cause, though the GoF offer remained an "open invitation." (Comment: Ref D reported Seif's stated interest in traveling to France for medical treatment, but did not mention the GoF offer. End comment.)

¶ 17. (C) Thibault agreed on the need to keep Arab governments on board in efforts to pressure Syria to comply with its international obligations. He conceded that our principal Arab partners, Egypt and Saudi Arabia, remained reticent on moving forward, and affirmed that France faced similar difficulties as the U.S. in keeping them on message. That said, Thibault concluded that Egypt and Saudi Arabia remained essential partners in our efforts to pressure Syria and that no progress would be possible without them.

JOINT ACTION: CAUTIONS ON SANCTIONS

¶ 18. (C) Commenting on possible EU financial sanctions and travel bans on Syrian officials, Thibault stressed three points from the outset: 1) the GoF did not oppose Syria sanctions in principle; 2) sanctions should be decided upon in a legitimate framework, either the UN or EU (and not bilaterally); and 3) for sanctions to be effective, they should target specific individuals and the regime itself, and not the Syrian public. In the case of the Hariri assassination investigation, the international community already had an agreed framework through which sanctions could

be considered, specifically the UNSCR 1636 sanctions committee. MFA IO/UN DAS-equivalent Simon-Michel commented that with the UN mechanism already identified, it would not be credible to seek EU sanctions against Syria based on the Hariri investigation, in the absence of a UNIIC non-compliance finding and a 1636 committee decision. The alternative, he continued, would be to seek EU sanctions based on Syrian non-compliance with UNSCR 1559, but, in his judgment, we would need a much stronger case for Syrian non-compliance in order for such EU sanctions to be accepted by the EU's 25 members. Simon-Michel concluded that it could be as difficult to secure EU sanctions at 25 as obtaining UNSC approval of Syria sanctions at 15. Therefore, in the GoF point of view, UNSC sanctions were preferable to EU sanctions, in that the EU would automatically be obligated to comply with UN sanctions, without having to secure a new EU decision at 25.

¶ 19. (C) Thibault questioned further the urgency of pursuing EU sanctions at this juncture, and sought to spin the current situation in a positive light. Thibault described the recent visit of UN Legal Counsel Nicolas Michel to Beirut as a success, and commended UN Secretariat efforts to implement aspects of UNSCR 1644 pertaining to the international tribunal and assistance to the GOL on other assassination investigations. The 1644 angle, in Thibault's view, opened up a new line of pressure on Damascus. He conceded that UNIIC Chief Brammertz had a different approach than Detlev Mehlis, but expressed confidence in Brammertz as an experienced judge seeking to build a case which will hold up in court. In Thibault's view, Brammertz was continuing UNIIC's work, though in a discreet fashion, so there remained the possibility that UNIIC could find an opening in

the investigation soon. He concluded by questioning again whether sanctions were appropriate now, and stressed the GoF view that we lack a legal basis now to pursue sanctions within the EU or UN.

¶10. (C) Thibault and Simon-Michel downplayed prospects for bilateral French sanctions on Syria, noting traditional GoF aversion to such measures. According to Simon-Michel, the GoF had ceded most competencies for sanctions to the EU, with the exception of visa issuance/travel bans. Simon-Michel conceded that there was a possibility for bilateral decisions on freezing assets, but he added that such a GoF move would require a domestic judicial basis as well as adoption of legislation, which would entail additional hurdles in convincing members of the French national assembly.

¶11. (C) Thibault and Simon-Michel were similarly negative on prospects for investment and financial transactions with Syria in a later phase. Simon-Michel emphasized that such moves, independent of a new UNSCR, would require EU approval at 25, for which a judicial basis was currently lacking. They withheld substantive comment on a possible UNSCR calling for an arms embargo on Syria, again questioning on what substantive basis (i.e. the April Larsen report?) such a draft text would be based and what the dynamics would be within the Security Council.

¶12. (C) Thibault concluded discussion by stressing the need to continue to focus on sanctions via the UNSC, rather than the EU or bilateral options. Pol M/C countered that such an approach left us entirely dependent on the efforts of UNIIC Chief Brammertz, in light of continued SARG defiance of its international obligations, non-cooperation with UNIIC, repression of its people, and destabilization of Lebanon. Thibault admitted that perhaps the GoF was "overly legalistic" in its approach, but reiterated that the GoF could not move forward on UN or EU sanctions without a legal basis to do so.

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